

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOE HAND PROMOTIONS, INC.,

Plaintiff,

-against-

JOSEPH TERRANOVA, Individually, and as  
officer, director, and shareholder, and/or  
principal of TRIPLE J PROPERTY &  
DEVELOPMENT CORP., d/b/a NYC  
CARTEL, and TRIPLE J PROPERTY &  
DEVELOPMENT CORP., d/b/a NYC  
CARTEL,

Defendants.  
-----x

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT, E.D.N.Y.

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**MEMORANDUM AND ORDER**

No. 12-CV-3830 (FB) (VVP)

*Appearances:*

*For the Plaintiff:*

JON DAMON JEKIELEK, ESQ.  
Jekielek & Janis LLP  
295 Madison Avenue, 22nd Floor  
New York, NY 10017

*For the Defendants:*

**BLOCK, Senior District Judge:**

On February 5, 2014, Magistrate Judge Viktor V. Pohorelsky issued a Report and Recommendation ("R&R") recommending that plaintiff's motion for default judgment be granted and that judgment be entered in favor of plaintiff in the total amount of \$4,682.50, which includes \$3,300 in statutory damages and \$1,382.50 in attorney's fees and costs. Magistrate Judge Pohorelsky also recommended that plaintiff's application for injunctive relief be denied.


The R&R states that "[a]ny objections to the Report and Recommendation above must be filed with the Clerk of Court within 14 days of receipt of this report. Failure

to file objections within the specified time waives the right to appeal any judgment or order entered by the District Court in reliance on this Report and Recommendation." R&R at 18. To date, no objections have been filed.

Where, as here, clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R & R without *de novo* review. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. See *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

As no error appears on the face of Magistrate Judge Pohorelsky's R&R, the Court adopts it without *de novo* review. Accordingly, the Court directs the Clerk to enter judgment against defendants, Joseph Terranova and Triple J Property & Development Corp., jointly and severally, in the amount of \$4,682.50. In addition, plaintiff's application for injunctive relief is denied.

SO ORDERED.

  
K/USDS Block  
FREDERIC BLOCK/  
Senior United States District Judge

Brooklyn, New York  
March 13, 2014